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Letter dated 11 July 2018 from the Permanent Representative of Djibouti to the United Nations addressed to the Secretary-General

Djibouti welcomes the latest developments regarding the protracted conflict between Ethiopia and Eritrea and is further pleased to note that the members of the Security Council stand ready to support Eritrea and Ethiopia in their implementation of the Joint Declaration.

I have the honour to address you, on behalf of my Government, regarding the threat to international peace and security that has been created by the unlawful use of force against Djibouti by Eritrea, the occupation of Djiboutian territory by Eritrean military personnel and the refusal of Eritrea to account for Djiboutian prisoners of war captured in 2008.

Although Eritrea has attempted to establish a link between the unresolved border dispute with Djibouti and wider issues of the Ethiopia-Eritrea conflict, it should be recalled that sanctions were imposed on Eritrea because of its aggression against Djibouti and its refusal to withdraw its troops from the disputed area, and its rejection of all efforts aimed at mediating between the two parties. For ease of reference, please note the successive relevant Security Council resolutions, in particular 1862 (2009) and 1907 (2009).

As you are well aware, between 2010 and 2017 the Emirate of Qatar attempted to mediate an amicable settlement of this conflict. The mediation was unsuccessful and has now ended. On 6 November 2017, the Monitoring Group on Somalia and Eritrea reported that on 13 June 2017, all Qatari observer forces had vacated the disputed border region and that Qatar was unable to pursue any mediation if not welcomed in its role by both sides of the dispute.

With the departure of the Qatari presence, the international boundary remains disputed, Eritrean forces continue to occupy Djiboutian territory, prisoners of war remain unaccounted for, threats of force continue to emanate from the Eritrean side and the risk of violent confrontation is once again high. According to the Monitoring Group, in the continued absence of an effective mediation or arbitration process the Monitoring Group is concerned that the situation on the ground remains vulnerable to provocation by both parties, which could result in the rapid escalation of conflict.

There is thus an urgent need for a new dispute settlement mechanism.

To this end, my Government respectfully calls upon you, working in close collaboration with the Security Council, to use the good offices of the Secretary-General to bring the principal parties together with the aim of facilitating an agreement between them upon a mutually acceptable means of peaceful dispute

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settlement from among those identified in Article 33 of the Charter of the United Nations. This is consistent with the call by the Security Council in paragraph 40 of its resolution 2385 (2017), in which it urged the two parties to continue to maintain an atmosphere of calm and restraint and called on them to seek all available solutions to settle their border dispute peacefully in a manner consistent with international law.

It would be Djibouti's preference to have the dispute referred, by mutual agreement, to judicial settlement or arbitration. The result of either means of settlement would be a legally binding judgment or award based on international law, which would assure both parties of a fair process and an equitable settlement that fully, finally and permanently resolves their dispute.

My Government applauds your recent decision, in fulfilment of the mandate given to you by the parties, to refer to the International Court of Justice for judicial settlement of the long-standing dispute between Guyana and Venezuela. Djibouti would have no objection to a similar referral of its dispute with Eritrea. Nor would it object to a referral to international arbitration. In this regard, Djibouti notes that Eritrea itself has successfully resolved its boundary and territorial dispute with Yemen by means of binding international arbitration.

That said, Djibouti would approach a good offices process facilitated by the Secretary-General, in collaboration with the Security Council, with an open mind and with a willingness to consider in good faith any proposals that you or the Security Council might make with regard to the appropriate means of peaceful dispute settlement.

My Government stands ready, at the highest level, to meet with you to further discuss the points raised herein and would welcome such an opportunity.

I would be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Mohamed Siad **Doualeh**